

SPECIAL CIVIL APPLICATION NO. 6537 OF 1986.

Date of decision: 2.7.1996.

For approval and signature

The Honourable Mr. Justice B.C. Patel

The Honourable Mr. Justice R. R. Jain

Mr.H.S. Munshaw, advocate for petitioners.

Mr. K.M. Mehta, A.G.P. for respondent Nos.1 and 2.

Mr. A.N. Joshi, advocate for respondent No.3 (absent).

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram:B.C.Patel & R.R.Jain,JJ.

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July 2, 1996.

Oral judgment (Per Patel, J.)

Petitioners claiming to be joint owners of land bearing S.No.496 (Part) admeasuring 2110 sq.yds., situated at Kalol, on Ahmedabad-Mehsana Highway, have challenged the

proceedings initiated under the Land Acquisition Act (hereinafter referred to as 'the Act').

Notification under section 4 of the Act was issued for the purpose of constructing houses for people belonging to weaker, middle and upper class of the society in Kalol Township. The notification under section 4 dated 26.10.1979 was published in Government Gazette on 15.11.1979. It appears that notification under section 6 of the Act has been published in the Government Gazette on 10.11.1982 after following the procedure as provided in the Act. Special Land Acquisition Officer has filed affidavit and has pointed out that even personal notice was issued to the petitioners and on behalf of petitioners Shri Bashirbhai Hajibhai has received the said notice on 15.1.1980. It is required to be noted that the notice required to be published in accordance with law has been published including in the office of the Mamlatdar at Chora and thereafter considering objections raised by Shri Biharilal Amrutlal with respect to S.No.496A, the report was submitted. It appears that the petitioners have not submitted anything before the Special Land Acquisition Officer. After considering the report and after satisfying the State Government published notification under Section 6 of the Act on 10.11.1982. The deponent has also pointed out in his affidavit that notice under section 9 (1) of the Act was issued to the petitioners on 21.1.1983 by Registered Post A.D. and as the same was not accepted by the petitioners, were returned on 3.2.1983. It appears from the affidavit that on behalf of the petitioners advocate also appeared in the proceedings under Section 12 (2). Thus, from the tenor of the affidavit it is clear that after following the procedure, notification under section 6 of the Act has been issued. Mr. Munshaw, learned advocate for the petitioners, could not point out as to how the issuance of notification under section 6 of the Act is bad. We find that notice under section 9 has also been issued which fact has not been controverted. In view of this, we find no merits in the matter and the same is required to be rejected with costs.

In the result, the petition is rejected with costs. Rule discharged. Interim relief stands vacated.